

JOURNAL OF THE HOUSE.

Monday, October 18, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. O'Flaherty of Chelsea in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we look to You for guidance and direction as we discover and address each day's legislative and personal responsibilities and opportunities. Inspire us to open our hearts and minds to You and Your ways. Your assistance enables us to comprehend complex and sensitive legislative issues accurately and to make wise and objective decisions as elected leaders. In these times of possible terrorist incidents and overall political uneasiness, help us to retain our traditional spirit of compassion, kindness and justice towards all and a concern for the total well-being of all the people in our Commonwealth.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. O'Flaherty), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Acting Governor —
Bill Returned with Recommendation of Amendment.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill providing for an exemption for water charges of certain elderly persons [see House, No. 3001, amended] (for message, see House, No. 5109) was filed in the office of the Clerk on Friday, October 15.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Mr. Fagan of Taunton, to the committee on Bills in the Third Reading.

Message from the Acting Governor.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to the terms of certain bonds to be issued by the Commonwealth (House, No. 5108) was filed in the office of the Clerk on Friday, October 15.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Long-term Debt and Capital Expenditures .

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. LeDuc of Marlborough) on the occasion of the one hundredth anniversary of the Carnegie Library Building; and

Resolutions (filed by Messrs. Tobin of Quincy, Ayers of Quincy and Mariano of Quincy) recognizing the Manet Community Health Center for its 25 years of commitment to the Quincy community;

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Fallon of Malden, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Paper from the Senate.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Bridgewater (House, No. 5033) came from the Senate passed to be engrossed, in concurrence, with certain amendments in section 1, in line 2, striking out the word "shall" and inserting in place thereof the following: "may, notwithstanding section 40H of chapter 7 of the General Laws or any other general or special law to the contrary", and inserting after line 27, the following paragraph:

"The exact boundaries of the parcel shall be determined by the commissioner in consultation with the armory commission after completion of a survey."; and adding at the end thereof the following two sections:

"SECTION 2. The grantees of the easement shall assume all costs associated with any engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner to execute the conveyance authorized in section 1.

SECTION 3. No instruments conveying, by or on behalf of the commonwealth, the easement described in section 1 shall be valid unless the instrument provides that the easement shall be used solely for the purposes described in said section 1. The easement instrument shall include a clause which shall state that in the event that the easements ceased to be used by Bridgewater Knights of Columbus Council No. 488 for the purposes described in said section 1 at any time, the easement shall revert to the commonwealth under the control of and for use by the division of capital asset management and maintenance upon such terms and conditions as the commissioner may determine. Should the easements revert to the commonwealth, any further disposition of the easements shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws and the prior approval of the general court."

Under suspension of Rule 35, on motion of Mr. Flynn of Bridgewater, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Carnegie
Library
Building.

Manet
Community
Health
Center.

Bridgewater,
easement.

Prayer.

Pledge of
allegiance.

Elderly,
water
charges.

Bonds,
terms.

Reports of Committees.

Gloucester,
sewer
betterments.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to certain sewer betterments in the city of Gloucester (House, No. 4889) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Donato of Medford, the bill was read a second time forthwith; and it was ordered to a third reading.

Weston,
property
tax.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Weston to regulate certain property tax exemption eligibility requirements for the elderly (Senate, No. 2053) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Peisch of Wellesley, the bill was read a second time forthwith; and it was ordered to a third reading.

Quincy,
affordable
housing.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the city of Quincy to establish an affordable housing trust fund (Senate, No. 2469) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Jehlen of Somerville, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bills.

Bills
re-enacted.

Engrossed bills
Relative to the use of certain funds by municipalities (see House, No. 4184, changed and amended); and

Relative to the Belchertown Economic Development and Industrial Corporation (see House, No. 4692, amended);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be re-enacted, in their amended form; and they were signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill establishing a presumption relative to the disability retirement of a certain firefighter in the city of Salem (see House, No. 5094) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill authorizing the State Board of Retirement to grant creditable service to Joseph A. Quinlan (Senate, No. 2116), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

The House Bill relative to the appointment of retired police officers in the town of Canton (House, No. 4858), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third
reading
bill.

The House Bill relative to a certain tax deduction (House, No. 5104) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.

Third
reading
bill
amended.

Said committee reported recommending that the bill be amended by striking out section 1 and inserting in place thereof the following section:

"SECTION 1. Section 13 of chapter 58 of the General Laws, as amended by section 23 of chapter 352 of the acts of 2004, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

In 1975 and every fifth year thereafter, the commissioner shall, on or before June 1, determine as of January 1 the fair cash value as hereinafter provided of all land in every town owned by the commonwealth and used for the purposes of a fish hatchery, game preserve or wild life sanctuary, a state military camp ground, the Soldiers' Home in Massachusetts, the Soldiers' Home in Holyoke, a state forest, the University of Massachusetts, or a public institution under the department of correction, the department of education, the department of mental health, the department of mental retardation, the department of public health, the department of public welfare, or the department of youth services, land owned by the commonwealth known as the Wachusett Mountain State Reservation, the Mount Greylock State Reservation, the Blue Hills Reservation and the Middlesex Fells Reservation, and of all land owned by the commonwealth and under the care and control of the department of environmental management and used for recreational or conservation purposes; and of all land held by the county commissioners for hospital purposes under sections 78 to 90, inclusive, of chapter 111; and of all land held by the department of environmental protection for use as a solid waste disposal facility under sections 18 to 24, inclusive, of chapter 16; and of any land acquired by the low-level radioactive waste management board pursuant to paragraph (g) of section 23 of chapter 111H."

The amendment was adopted; and the bill (House, No. 5104, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At fourteen minutes after eleven o'clock A.M., on motion of Mr. Hynes of Marshfield (Mr. O'Flaherty of Chelsea being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.